IN THE HIGH COURT OF PUNJAB & HARYAN AT CHANDIGARH

R.S.A. No. 3649 of 2004(O&M)
Date of decision: January 22,2007

Gurdial Singh V. Gurpreet Singh and others

CORAM: HON'BLE MR.JUSTICE VINEY MITTAL

Present: Shri G.S.Grewal, Sr. Advocate, with Tanisha Peshawaria, Advocate,for the appellant.
Shri Satinder Khanna, Advocate, for the respondents.

Viney Mittal,J.(Oral)

Defendant No.1 is in second appeal. He has lost concurrently before the two courts below. A suit for declaration with consequential relief for permanent injunction filed by the plaintiffs was decreed by the trial court and the appeal filed by the defendants failed before the first appellate court.

Both the courts below have held that Bakhtawar Singh, predecessor-in-interest of the defendants was owner of the land in question and had mortgaged the land in question with possession to Harjit Singh predecessor -in-interest of the plaintiffs vide mortgage deed dated September 28,1992. It has further been held that the possession of the plaintiffs has remained continuous after the mortgage. On that basis, it has been held that the plaintiffs have become the owner of the suit land by efflux of time.

Nothing has been shown that the findings recorded by the two Courts below suffer from any infirmity or are contrary to the record.

No question of law, much less any substantial question of law, arises in the present appeal.

Dismissed.

January 22,2007 (Viney Mittal)
sks Judge